

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

JIM HARRIS, JR., et al.,

Plaintiffs,

v.

LAW OFFICE OF KEVIN J. DOLLEY,
et al.,

Defendants.

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No. 1:18-CV-59 ACL

MEMORANDUM AND ORDER

Plaintiff has filed a civil suit and seeks leave to proceed in forma pauperis. Plaintiff is granted leave to proceed without payment of the filing fee. Also, the Court will direct Plaintiff to show cause why this action should not be dismissed for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3).

Plaintiff alleges Missouri state law legal malpractice claims against Defendants Law Office of Kevin J. Dolley, Brown & James, P.C., and Eckenrode-Maupin Law Office; and medical malpractice claims against Defendants Dr. Eric Bessey and Dr. Reese Thompson. Both the legal and medical malpractice claims arise out of the settlement of a prior § 1983 case Plaintiff brought against Corizon Medical Services and Dr. Bessey, among others.

Federal courts are courts of limited jurisdiction. The Court has jurisdiction to hear cases involving the Constitution, laws, or treaties of the United States under 28 U.S.C. § 1331, and the Court can hear cases where diversity jurisdiction exists under 28 U.S.C. § 1332.

The instant action does not arise under the Constitution, laws, or treaties of the United States, so federal question jurisdiction pursuant to 28 U.S.C. § 1331 is inapplicable. Although

Plaintiff cites 28 U.S.C. §§ 2401 and 2671 in his Civil Cover Sheet, neither statute is relevant to his claims. Therefore, the Court may only hear this case if diversity jurisdiction exists.

It does not appear that diversity jurisdiction exists because Plaintiff and the Defendants reside in the same state . As a result, the Court will order Plaintiff to show cause why this action should not be dismissed for lack of jurisdiction.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff must show cause no later than **May 11, 2018**, why this action should not be dismissed.



ABBIE CRITES-LEONI
UNITED STATES MAGISTRATE JUDGE

Dated this 17th day of April, 2018.